

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2003 - 0024

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE SAN DIEGO REGION TO INCORPORATE A WASTE DISCHARGE
REQUIREMENT WAIVER POLICY FOR CERTAIN SPECIFIC TYPES OF
DISCHARGES

WHEREAS:

1. The San Diego Regional Water Quality Control Board (Regional Board) adopted a revised Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (SWRCB) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On September 11, 2002, the Regional Board adopted Resolution No. 2002-0186 (Attached) amending the Basin Plan to incorporate a Waste Discharge Requirement Waiver Policy (WDR Waiver Policy) for certain specific types of discharges.
3. On February 5, 2003, the Regional Board adopted Resolution No. R09-2003-0060 which modified Table 4-4 of the Basin Plan to conform to current federal regulations.
4. SWRCB finds that the Basin Plan amendment to incorporate a WDR Waiver Policy for certain specific types of discharges is in conformance with Water Code section 13240 which specifies that Regional Water Quality Control Boards shall periodically review and may revise Basin Plans.
5. Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
6. A Basin Plan amendment does not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL; and, in the case of a surface water standards action, by the U.S. Environmental Protection Agency (USEPA).

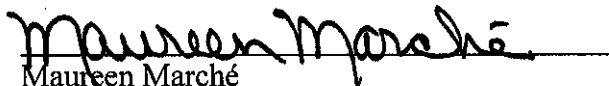
THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Approves the amendment to the Basin Plan to incorporate a WDR Waiver Policy for certain specific types of discharges as adopted under Regional Board Resolution Nos. 2002-0186 and R09-2003-0060.
2. Authorizes the Executive Director to submit the regulatory provisions of the amendment adopted under the Regional Board Resolution Nos. 2002-0186 and R09-2003-0060 to OAL and USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 19, 2003.


Maureen Marché
Clerk to the Board

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

RESOLUTION NO. 2002-0186

**AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN DIEGO REGION (9)
TO INCORPORATE A WASTE DISCHARGE REQUIREMENT WAIVER
POLICY FOR CERTAIN SPECIFIC TYPES OF DISCHARGES**

WHEREAS, Section 13263(a) of the California Water Code requires that the California Regional Water Quality Control Boards (regional boards) prescribe requirements for existing and proposed discharges in their respective areas of jurisdiction; and

WHEREAS, Section 13269 of the California Water Code authorizes regional boards to waive waste discharge requirements for a specific discharge or a specific type of discharge where such a waiver is not against the public interest; and

WHEREAS, Section 13269 of the California Water Code provides that any waiver of waste discharge requirements shall be conditional and may be terminated at any time by the regional board; and

WHEREAS, No waiver of waste discharge requirements is permissible for discharges subject to regulation under Chapter 5.5, commencing with Section 13370, Division 7 of the California Water Code, implementing the federal Clean Water Act and the Federal National Pollutant Discharge Elimination System (NPDES) regulations; and

WHEREAS, The California Regional Water Quality Control Board, San Diego Region (Regional Board), has waived requirements for various types of discharges as described in the Waste Discharge Requirement Waiver Policy in Chapter 4 and Appendix D of the Water Quality Control Plan for the San Diego Basin; and

WHEREAS, The Regional Board has waived requirements for additional types of discharges by Resolution Nos. 95-63 and 95-96; and

WHEREAS, Section 13269, as amended by Chapter 686 of the Statutes of 1999 (Senate Bill 390, Alpert), limits duration of waivers to 5 years and requires the regional boards to:

- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated;
- Establish waiver conditions;
- Enforce waiver conditions; and,
- Renew waivers every five years; and

WHEREAS, Section 13269, as amended, terminates all existing waivers by January 1, 2003 unless the regional board does the following:

- Reviews the terms, conditions and effectiveness of each type of waiver included in their waiver policies;
- Renews waiver policies and all waivers for specific discharges by January 1, 2003;

and

WHEREAS, The Regional Board held a Public Workshop on May 20, 2002 for the purpose of determining the scope and range of actions, alternatives, mitigation measures, and significant environmental effects to be analyzed in depth, and for receiving public input; and

WHEREAS, The Regional Board circulated documentation describing the proposed Basin Plan amendment to interested individuals and public agencies for review and comment, and circulation of this documentation is functionally equivalent to environmental impact assessment and disclosure under the California Environmental Quality Act (CEQA) because it ensures interdisciplinary review of environmental consequences; and

WHEREAS, The Regional Board retains authority under Chapter 5 of Division 7 of the California Water Code to enforce conditions of any waiver and prevents pollution and nuisance; and

WHEREAS, The Regional Board has reviewed the terms and conditions of all existing waivers in Chapter 4 of the Basin Plan and Resolution Nos. 95-63 and 95-96, pursuant to the amended California Water Code Section 13269 and has considered all comments received at a Public Hearing; and

WHEREAS, Waiver of waste discharge requirements for the types of discharges set forth in Attachment 1 to this Resolution will not have a significant adverse effect on the environment and is not against the public interest, provided the corresponding criteria and conditions are met, and would enable Regional Board resources to be used more effectively;

THEREFORE BE IT RESOLVED,

That the California Regional Water Quality Control Board, San Diego Region, hereby amends Chapter 4 and Appendix D of the Water Quality Control Plan for the San Diego Basin as shown in Attachment 1 of this Resolution, to waive waste discharge requirements for specified types of discharges, effective January 1, 2003; and

That waiver of waste discharge requirements adopted herein expires on January 1, 2008.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on September 11, 2002.

/s/

JOHN H. ROBERTUS

Executive Officer

ATTACHMENT 1 TO RESOLUTION NO. 2002-0186

REVISED BASIN PLAN TEXT FOR
WASTE DISCHARGE REQUIREMENT WAIVER POLICY

- *Discharges into a privately owned treatment works.*

NPDES permits are issued for a term of five years or less. The terms and conditions of the permit are regularly updated as necessary. NPDES permits can be revoked for cause by the Regional Board.

The California Water Code, Division 7, Chapter 5.5, Article 6 authorizes the Regional Board to issue NPDES permits, review self-monitoring reports submitted by the discharger, and perform independent compliance checking. The Regional Board is authorized to take a variety of enforcement actions to obtain compliance with an NPDES permit. Enforcement of NPDES permits is done through the issuance of cleanup and abatement orders, cease and desist orders, administrative civil liability orders and court action.

The Regional Board will consider the establishment of mixing zones for inland surface waters and enclosed bays and estuaries on a case-by-case basis. Criteria to be established for mixing zone will be specified in the waste discharge requirements established for the discharge.

In addition to regulating discharges of wastewater to surface waters, NPDES permits also require municipal sewage treatment plants having a design capacity greater than 5 million gallons per day (MGD) to conduct pretreatment programs. Smaller municipal treatment systems may be required to conduct pretreatment programs if there are significant industrial users of their systems. Pretreatment is discussed in more detail later in this chapter.

WASTE DISCHARGE REQUIREMENT WAIVER POLICY

The Regional Board may waive issuance of waste discharge requirements for a specific discharge or types of discharge pursuant to California Water Code Section 13269 if such waiver is determined not to be against the public interest.

The waiver of adoption of waste discharge

requirements is not applicable to discharges subject to NPDES permit regulation. The federal Clean Water Act does not provide for a waiver of the need to obtain an NPDES permit for point source discharges of pollutants to surface waters.

Amendments to California Water Code Section 13269, effective January 1, 2003 provided that waivers may not exceed five years duration and must be conditional. Under these amendments the regional boards were required to:

- Renew waivers every five years;
- Review the terms, conditions and effectiveness of each type of waiver included in their waiver policies at a public hearing;
- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated; and,
- Require compliance with waiver conditions.

The waiver of waste discharge requirements is conditional and may be terminated at any time by the Regional Board for any specific discharge or any specific type of discharge. ~~The Regional Board may delegate their power to waive waste discharge requirements to the Regional Board Executive Officer in accordance with policies adopted by the Regional Board and approved by the State Board.~~

The Regional Board ~~may~~ has determined that a waiver of adoption of waste discharge requirements for a specific type of discharge would not be against the public interest under one or more of the following circumstances:

- The type of discharge is effectively regulated by other public agencies; or
- The type of discharge does not adversely affect the quality of the beneficial uses of the waters of the state; or

- The type of discharge is not readily amenable to regulation through adoption of waste discharge requirements but warrants Regional Board oversight to insure compliance with mandated conditions.

On July 18, 1983, the Regional Board adopted Resolution No. 83-21, “~~A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges~~” (Waste Discharge Requirement Waiver Policy). The terms and conditions of Resolution No. 83-21 are incorporated in this Basin Plan; accordingly Resolution No. 83-21 is superseded. On September 11, 2002, ~~the~~ Regional Board conditionally waived adoption of waste discharge requirements for certain specific types of discharges described in Table 4-4. This waiver took effect on January 1, 2003 and expires on January 1, 2008, except for discharges for which Table 4-4 specifies an earlier expiration date.

The following general conditions apply to all discharges described in Table 4-4:

- The discharge shall not create a nuisance as defined in the California Water Code; and
- The discharge shall not cause a violation of any applicable water quality standard; and
- The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

~~In addition, the discharges must satisfy the specific conditions described in Table 4-4. The waiver of adoption of waste discharge requirements is conditional and may be terminated at any time for any specific discharge or any specific type of discharge.~~

The discharges in Table 4-4 have been assigned to either Category 1 or Category 2, for purpose of Regional Board oversight for determination of compliance with waiver conditions. Discharges covered by Category 1 waivers pose a greater potential threat to water quality than those in Category 2.

For Category 1 waivers, waste discharge requirements for a specific discharge shall be considered waived only after enrollment in accord with procedures established by the Regional Board. For most of the discharges in Category 1, programs administered by the Regional Board or other public agencies will provide the information necessary to satisfy the enrollment requirements. No additional enrollment procedures will be necessary for these discharges.

An enrollment process has been established for the remaining discharges. Dischargers may contact the Regional Board office to determine if enrollment is necessary for a specific discharge. The Regional Board will determine compliance with Category 1 waiver conditions using a program that includes on-site inspections and/or review of the records of other public agencies that regulate these discharges.

For Category 2 waivers, enrollment is not necessary. The Regional Board will assess compliance with Category 2 waiver conditions by means of surveys or other indirect methods.

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
1. Conventional septic tank/subsurface disposal systems for residential units.	Subject to the conditions set forth in the <i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.	1	<p><i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i>, California Department of Health Services (DHS).</p> <p>AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.</p>
2. Conventional septic tank/subsurface disposal systems for commercial/industrial establishments.	Subject to the conditions set forth in the <i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.	1	<p><i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i>, California Department of Health Services (DHS).</p> <p>AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.</p>
3. Alternative	Subject to the conditions set forth in the	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
individual sewerage systems.	<i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.		entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS). AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
4. Conventional septic tank/subsurface disposal systems for campgrounds.	Where no facilities are provided which would enable recreational vehicles to connect with the campground sewerage system, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> .	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS).
5. Construction and test pumping of water wells.	Where the well water pumped is uncontaminated; and where the well was not constructed for and is not to be used in ground water cleanup operations.	2	
6. Air conditioner condensate.		2	
7. Animal feeding operations for the following species in the numbers indicated: 300 to 999 veal calves; 300 to 999 cattle other than mature dairy cows or veal calves (including, but not limited to heifers, steers,	Where the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where pollutants are not discharged (1) to waters of the United States through a man-made ditch, flushing system or other similar man-made device; or, (2) directly into waters of the United States which originate outside of and pass over, across or through the facility or otherwise come	1	United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002, and United States Environmental Protection Agency <i>Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations</i> .

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
<p>bulls and cow/calf pairs); 750 to 2,499 swine each weighing 55 pounds or more; 3,000 to 9,999 swine each weighing less than 55 pounds; 150 to 499 horses; 3,000 to 9,999 sheep or lambs; 16,500 to 54,999 turkeys; 9,000 to 29,999 laying hens or broilers (if a liquid manure handling system is used); 37,500 to 124,999 chickens (other than laying hens, if the operation does not use a liquid manure handling system); 25,000 to 81,999 laying hens_(if the operation does not use a liquid manure handling</p>	<p>into direct contact with the animals confined in the operation.</p> <p>Where the facility has not been designated as a Confined Animal Feeding Operation pursuant to United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002.</p>		

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
system); 10,000 to 29,999 ducks (if the operation does not use a liquid manure handling system); 1,500 to 4,999 ducks (if the operation uses a liquid manure handling system).			

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
<p>8. Animal feeding operations for the following species in the numbers indicated: less than 300 veal calves; less than 300 cattle other than mature dairy cows or veal calves (including, but not limited to heifers, steers, bulls and cow/calf pairs); less than 750 swine each weighing 55 pounds or more; less than 3,000 swine each weighing less than 55 pounds; less than 150 horses, less than 3,000 sheep or lambs; less than 16,500 turkeys; less than 9,000 laying hens or</p>	<p>Where the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where pollutants are not discharged (1) to waters of the United States through a man-made ditch, flushing system or other similar man-made device; or, (2) directly into waters of the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.</p> <p>Where the facility has not been designated as a Confined Animal Feeding Operation pursuant to United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002.</p>	2	<p>United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002, and United States Environmental Protection Agency <i>Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations</i>.</p>

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
<p>broilers (if a liquid manure handling system is used); less than 37,500 chickens (other than laying hens, if the operation does not use a liquid manure handling system); less than 25,000 laying hens (if the operation does not use a liquid manure handling system); less than 10,000 ducks (if the operation does not use a liquid manure handling system); less than 1,500 ducks (if the operation uses a liquid manure handling system); any number of goats; any number of buffalo.</p>			

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
9. Plant crop residues.	Where such residues are plowed into fields (as opposed to being disposed of en masse, e.g. in a pit).	2	For the purposes of this document, "plant crop residues" shall be defined as waste plant crops and nonmarketable portions of plants.
10. Storm water runoff.	Where no NPDES permit is required, and where appropriate best management practices, such as those recommended by US EPA's Risk Reduction Engineering Laboratory, are implemented to minimize the discharge of contaminants in runoff infiltrating to ground water aquifers.	2	United States Environmental Protection Agency <i>Project Summary, Potential Groundwater Contamination from Intentional and Nonintentional Stormwater Infiltration.</i>
11. Sand and gravel mining operations.	Where operations are not conducted in flowing streams; and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	This waiver does not apply to wash water or other discharges from sand and gravel processing operations.
12. Intermittent swimming pool discharges.	Where pool filter backwash is not discharged.	2	

13. Dredging project wastes.	Where the dredging project does not involve more than 5000 yd ³ of material and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	
14. Short-term construction dewatering operations.	Where there is no discharge to surface waters.	2	
15. Manure composting and soil amendment operations.	Where State Water Resources Control Board <i>Minimal Guidelines for Protection of Water Quality from Animal Wastes</i> are followed.	1	Adopted by the State Water Resources Control Board on March 1, 1973.
16. Solid waste disposal facilities accepting only inert wastes.	Where State Water Resources Control Board regulations, requirements and guidelines for disposal of such wastes are satisfied; and where Fish and Game Code Section 5650 is not violated.	1	The applicable document as of the date of adoption of the Resolution is <i>Discharges of Waste to Land</i> (CCR Title 23, Division 3, Chapter 15).
17. Stream channel alterations.	Where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	
18. Agricultural irrigation return water.	Where management measures and best management practices have been implemented as described in the Plan for California's Nonpoint Source Pollution Control Program.	2	For the purposes of this document, "agriculture" shall be defined as the production of fiber and/or food (including food for animal consumption, e.g., alfalfa).
19. Nursery irrigation return water.	Where there is no discharge to waters of the U.S., and where best management practices have been implemented as described in the Plan for California's	1	For the purposes of this document, a "nursery" shall be defined as a facility engaged in growing plants (shrubs, trees, vines, etc.) for sale.

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

	Nonpoint Source Pollution Control Program.		
20. Short-term use of reclaimed wastewater.	See Appendix D.	1	

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
21. On-site drilling mud discharge.	Where discharge is to a sump with a minimum freeboard of two feet; and Where sump is not to be used for ultimate disposal of drilling mud (unless discharger demonstrates that material is nontoxic and does not contain dissolved or soluble salts in quantities which could adversely affect basin groundwater quality); and Where sump site is restored to predrilling state within 60 days of completion or abandonment of well.	2	
22. Timber harvesting.	Where harvesting occurs on National Forest System lands managed by the United States Forest Service in accordance with the practices and procedures set forth in the document entitled <i>Water Quality Management for National Forest System Lands in California</i> .	2	Management Agency Agreement between State Water Resources Control Board and the United States Forest Service (United States Department of Agriculture).
23. Temporary discharge of specified contaminated soils.	See Appendix D.	1	
24. Green waste composting facilities.	See Appendix D.	2	

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
25. Incidental discharges within a response area during a spill response.	The discharge must meet the definition of “ <i>incidental discharge</i> ” as this, and related terms are defined in the <i>Memorandum of Understanding Between the Department of Fish and Game’s Office of Oil Spill Prevention and Response and the State Water Resources Control Board Relating to Discharges Associated with Response Activities Conducted Pursuant to Ch. 7.4, Division 1 of the Government Code.</i>	2	
26. Permanent reclaimed water projects.	See Appendix D.	1	

APPENDIX D

CONDITION(S) FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS OF ITEMS IN TABLE 4-4

CONDITIONS FOR ITEM 21. SHORT-TERM USE OF RECLAIMED WATER:

1. Short-term water reclamation projects are projects that last one year or less. Short-term projects can include temporary use of reclaimed water for dust control, soil compaction, green belt irrigation, or any other temporary reuse project authorized by the Executive Officer, for which no permanent physical reclaimed water facilities or structures are installed; and
2. The reclaimed water producer must submit a written request for a waiver to the Regional Board. This request must include written notification from the local health department or the State Department of Health Services that the proposed project complies with all local and State health requirements for reclaimed water use and Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 1 - 10. This written notification shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Articles 2, 3, 4, 5, and 5.1. A new written request for a waiver must be submitted to the Regional Board if the temporary project exceeds one year. New written requests must be received 60 days prior to expiration of the one year project. If no new request is received the short-term project must cease immediately.

CONDITIONS FOR ITEM 19. TEMPORARY DISCHARGE OF SPECIFIED CONTAMINATED SOILS:

a. General Conditions for All Temporary Waste Piles

- (1) ***Required Notification of the Regional Board:*** The discharger shall send the Regional Board a signed/completed certification report (Section A: Temporary Waste Pile Waiver Certification Form), **within 30 days** of the initial discharge of any waste piles established under this waiver. The discharger

shall send the Regional Board a signed/completed certification report (Section B: Temporary Waste Pile Waiver Certification Form) **within 10 working days** of completing removal of all waste and restoring the site to its original condition.

- (2) This waiver specifically does not apply to hazardous waste, as defined in Section 66261.3, Division 4.5, Title 22 of the California Code of Regulations, or as amended.

(3) **Prohibitions:** The discharge of waste shall not:

- a. *Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;*
- b. *Cause the occurrence of objectionable tastes and odors in water pumped from basin;*
- c. *Cause waters pumped from the basin to foam;*
- d. *Cause the presence of toxic materials in waters pumped from the basin;*
- e. *Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;*
- f. *Cause pollution, contamination or nuisance or adversely affect beneficial uses of ground or surface waters of the hydrologic subareas established in the Basin Plan.*
- g. *Cause a violation of any discharge prohibitions in the Basin Plan for the San Diego Region.*

- (4) **Site Conditions:** All parcels of land/property containing a temporary discharge of solid wastes, temporary waste piles as identified in the specific conditions of this waiver, shall meet the following minimum general site conditions:
- a. Runon/Runoff Protection: Surface drainage shall be diverted from the temporary waste piles. For all waste piles, the dischargers shall implement effective Best Management Practices (BMPs) to prevent surface water runon and runoff from contacting wastes and to prevent erosion and transport of wastes by surface runoff.
 - b. Groundwater Protection: All waste piles shall be placed at least five feet above the highest anticipated level of groundwater.
 - c. Surface Water Protection: All waste piles established under this waiver shall be located not less than 100 feet from any surface water identified in the Basin Plan.
 - d. Flood Plain Protection: All waste piles shall be protected against 100-year peak stream flows as defined by the County flood control agency.
- (5) **Inspection and Maintenance:** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any underlying geologic materials contaminated by the discharge, shall be removed within the maximum time period allowed under the applicable Special Conditions. Subsequently the site shall be restored to its original state within 30 days following the removal of all treatment facilities, related equipment, etc. and shall be disposed of or stored in accordance with applicable regulations.
- (6) **Clean Closure Required:** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any

underlying geologic materials contaminated by the discharge, shall be removed within the maximum time period allowed under the applicable special conditions. Subsequently, the discharger shall remove all wastes, treatment facilities, related equipment, and dispose of those items in accordance with applicable regulations. The site shall be restored to its original state within maximum time period allowed under the applicable special conditions.

(7) **Management of Return or Ponded Water:** If return water or ponded water contained within the treatment or storage area of the temporary waste pile will be disposed of at a location other than to a sanitary sewer system, then the discharger shall submit written notification to the Executive Officer prior to initiating the discharge and either: 1) obtain waste discharge requirements; 2) obtain a waiver of waste discharge requirements or 3) obtain a written determination from the Regional Board Executive Officer that the disposal of the return water or ponded water is not subject to regulation by the Regional Board.

- (8) **Property Owner Acknowledgment:** By written correspondence to the Regional Board Executive Officer, the property owner shall approve the placement of the waste (temporary waste piles) at the site.
- (9) **Public Notification Requirement:** The discharger shall post at least one clearly visible, sign (in english) listing the following minimum information: a.) project name, b.) name and address of discharger, c.) brief project description, and d.) 24-hour contact information – name, address, facsimile, and telephone number for the project. The discharger shall post additional signs as necessary (in languages other than english) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and remain in place while temporary waste piles remain on site.
- (10) All sampling and analytical procedures, including documentation of waste characterization, shall be in accordance with the indicated methods described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846, U.S. Environmental Protection Agency (current edition). Reported concentrations levels shall be mean average, with an 80% upper confidence interval, and the total range within each constituent.
- (11) **Obligation to Comply:** This waiver from waste discharge requirements (WDRs) does not relieve dischargers of the obligation to comply with any other applicable local, state and federal requirements.
- (12) **Relation of this Conditional Waiver to Other Authority of the RWQCB:** This action waiving the issuance of WDRs is conditional, may be terminated for any type of discharge at any time, does not permit an illegal discharge, and does not preclude the Regional Board from administering enforcement remedies pursuant to Section 13304 of the California Water Code. Where the staff of this Regional Board considers the adoption of WDRs for a specific discharge of a type identified herein to be in the public interest, staff will draft tentative waste discharge requirements for consideration by the Regional Board.

b. **Special Conditions Applicable to Waste Piles for Treatment or Storage of Soils Contaminated with Petroleum Hydrocarbons**

- (1) Temporary waste piles established under this waiver shall be limited to a maximum time period of four months or 90 days.

(2) All solid wastes discharged into temporary waste piles established under the waiver shall be derived from only one source (e.g., unauthorized release site).

(3) **Cover:** All waste piles shall be overlain by plastic sheeting (not less than 10 mils thick) to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances.

(4) All waste piles shall be underlain by either plastic sheeting (not less than 10 mils thick) or a liner of low permeability approved by the Regional Board Executive Officer.

(5) In addition to the general and specific conditions stated herein, waste piles shall conform to applicable provisions in the state's Local Oversight Program (LOP) for Orange, Riverside, or San Diego Counties.

(6) **Site Closure:** *Any waste pile established under these Special Conditions for Petroleum Contaminated Soils, together with any containment materials used for the temporary waste pile and underlying geologic materials contaminated by the discharge, shall be removed and the site shall be restored to its original state within 30 days.*

c. **Special Conditions Applicable to Waste Piles for Treatment or Storage of Dredge Spoils Contaminated with Heavy Metals**

(1) All temporary waste piles established under this waiver shall be limited to a maximum time period of nine months or 210 days.

(2) **Cover:** All waste piles shall be overlain by either a plastic sheeting to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances. Alternative control methods shall be subject to approval by the Regional Board Executive Officer.

(3) **Liner:** All waste piles shall be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability approved by the Regional Board Executive Officer. The liner and containment facility shall be designed to contain all solid wastes and fluids, and shall be subject to approval by the Regional Board Executive Officer.

(4) **Containment Structures:** Materials used in containment structures shall have the appropriate chemical and physical properties to ensure that such structures do not fail to contain waste because of: the stress of installation, pressure gradients, physical contact with the waste or leachate, or chemical reactions with soil and rock.

(5) **Site Closure:** Any waste pile established under these Special Conditions for Dredge Spoils, together with any containment materials used for the temporary waste pile and underlying geologic materials contaminated by the discharge, shall be

removed and the site shall be restored to its original state within **60 days**.

**CONDITIONS FOR ITEM 20. COMPOSTING AND PROCESSING,
MULCHING, OR GRINDING FACILITIES**

A. APPLICABILITY

1. *Types of Facilities*

- a. *Facilities composting Green Waste, Agricultural Waste, Food Processing Waste or Paper Waste*
- b. *Facilities processing, mulching or grinding Green Waste, or Agricultural Waste*

2. *Size of Facilities*

- a. *Composting and Processing, Mulching, or Grinding Operations Less than Five Hundred (500) Cubic Yards*

The submittal of a report of waste discharge and the issuance of waste discharge requirements are waived for discharges from the following:

- (1) Green waste, food processing waste, agricultural waste, or paper waste composting operations that do not exceed five hundred (500) cubic yards at any given time;
- (2) Green waste or agricultural waste processing, mulching or grinding operations that do not exceed a total volume of five hundred (500) cubic yards at any given time.

- b. *Composting and Processing, Mulching, or Grinding Operations Greater than Five Hundred (500) Cubic Yards*

For dischargers who comply with the following *Reporting, Site, Operational, and General Conditions*, the issuance of waste discharge requirements are waived for discharges resulting from the following:

- (1) The storage and treatment by composting of greater than five hundred (500) cubic yards at any given time of green waste, food processing waste, agricultural waste, or paper waste, and any additives as approved by the RWQCB; or
- (2) The storage and treatment by processing, mulching, or grinding of greater than five hundred (500) cubic yards of green waste, or agricultural waste.

B. REPORTING CONDITIONS

1. Report of Waste Discharge

The discharger shall file a report of waste discharge that includes a technical report containing a requirement-by-requirement analysis based on acceptable engineering standards and best management practices, of how the process and physical designs of the facility will ensure compliance with the conditions listed herein. The discharger shall submit a fee pursuant to CCR Title 23, Section 2200 for a Threat to Water Quality and Complexity Rating 3-C, Chapter 15.

2. General Industrial Storm Water Permit

The discharger shall file either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000001 for the discharge of storm water or submit documentation that the NPDES storm water permit requirements are not applicable to the discharger's facility.

3. Changes in Operation

The discharger shall notify the RWQCB of:

- a. any significant change in the nature and quantity of waste composted or processed, area of operation, or season of operation; or
- b. termination of operation.

C. SITE CONDITIONS

1. Control and Management

All areas upon which green waste, food processing waste, agricultural waste, or paper waste and any feedstock additives are discharged for composting or processing, mulching, grinding, storing and treating shall be designed, constructed and maintained to prevent the degradation of waters of the state. Such facility operations shall be equivalent to the water quality protection achieved through the implementation of the following measures:

a. Precipitation

All precipitation and surface drainage from outside the compost, process, treatment or storage areas including that collected from roofed areas, and runoff from tributary areas resulting from a 25-year, 24-hour storm shall be diverted away from the such areas.

b. Runoff

The discharger shall develop and implement a plan to reduce or eliminate the discharge of pollutants into

surface waters including storm water. The plan shall describe measures taken to prevent contaminated process water and reduce or eliminate contaminated storm water from being discharged from the site.

c. *Water Quality Protection*

All compost, process and storage areas shall be sited where soil characteristics, distance from waste to ground water, and other factors will ensure no impairment of beneficial uses of surface waters or ground waters beneath or adjacent to the facility.

d. *Stream Flow*

The facilities shall be protected from inundation or washout by overflow from any stream channel during a 25-year peak stream flow.

e. *Surface Maintenance*

If the equipment operating near or on compost, process, storage, or treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately .

D. OPERATIONAL CONDITIONS

1. Additives

Dischargers who use additives as defined in this document shall report to the RWQCB's Executive Officer for his approval the type, and quantity of the additive. The use of additives shall comply with the *CONDITIONS* listed in this document.

2. Discharge Specifications

The discharge of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting or processing, grinding, or mulching shall not cause or threaten to cause a condition of contamination, pollution or nuisance.

3. Maintenance

Containment structures such as embankments, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.

4. Wet Weather Preparations

Prior to the rainy season, the discharger shall conduct a survey of the operation to ensure that the site has been graded and prepared to prevent erosion and to prevent ponding of waste water at any location not designed and operated to retain water.

5. Inspections

The discharger shall inspect compost, process, storage and treatment areas for emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the Conditions of this waiver. If visible leachate, ponding, cracking, or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards described in *SITE CONDITIONS C*.

E. GENERAL CONDITIONS

1. Prohibitions

The inclusion of the following wastes for treatment by composting or processing under the conditions of this waiver are prohibited:

- a. municipal solid waste;
- b. sludges (including sewage sludge, water treatment sludge, and industrial sludge);
- c. septage;
- d. liquid wastes, unless specifically approved by the Regional Board;

- e. animal waste, except manure when used as an additive;
- f. oil and grease; and
- g. hazardous, designated, and any other wastes determined by the Regional Board to pose a potential threat to water quality.

2. *Entry and Inspection*

The discharger shall allow the RWQCB, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a conditionally waived facility or activity is located or conducted, or where records must be kept under the conditions of this waiver;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this waiver;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this waiver; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this waiver or as otherwise authorized by the California Water Code, any substances or parameters at any location.

DEFINITION OF TERMS IN CONDITIONS FOR ITEM 20

GREEN WASTE: Material that consists of or contains waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes.

FOOD PROCESSING WASTE: Material that consists of or contains only pre-processed and post-processed waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors.

AGRICULTURAL WASTE: Material that consists of the plant waste coming directly from an agricultural commodity, and is the product of farms and ranches and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1 Section 58619 of the Food and Agriculture Code. Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products.

PAPER WASTE: Material that consists of nonhazardous paper and paper by-products.

ADDITIVE: Material that consists of waste or products which are approved by the RWQCB's Executive Officer for mixture with feedstock or treated waste to adjust the moisture level, the carbon to nitrogen ratio, or the porosity of the wastes to create a condition favorable to the processing, or to improve the end-product. Additives may include manures, fertilizers, and chemical amendments.

DISCHARGER: Any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit pursuant to Title 23, California Code of Regulations, Section 2601.

CONDITIONS FOR ITEM 22. PERMANENT RECLAIMED WATER PROJECTS:

1. The discharger shall submit a report of waste discharge pursuant to Section 13260 or 13522.5 of the California Water Code. This report

shall contain sufficient technical information from which the Regional Board can determine if the proposed discharge complies with all applicable reclamation regulations; and

2. The proposed discharge of reclaimed water must be in compliance with the California Code of Regulations, Title 22, Division 4, Chapter 3, Articles 1 - 10; and
3. The proposed discharge of reclaimed water must be in compliance with the Water Quality Control Plan, San Diego Basin (9); and
4. The report of waste discharge must contain a letter from the local health department of the State Department of Health Services stating that the proposed project complies with all State and local Health requirements for the use of reclaimed water. This letter shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5 and 5.1; and
5. Temporary waiver's of waste discharge requirements remain in effect for a project until the Regional Board is able to adopt permanent requirements. The Regional Board will adopt requirements, as appropriate, at the earliest possible opportunity, and in accordance with Regional Board priorities.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

RESOLUTION NO. R09-2003-0060

A RESOLUTION MODIFYING THE REGIONAL BOARD'S WAIVER
POLICY FOR CONSISTENCY WITH RECENT MODIFICATIONS TO THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RULE
FOR CONFINED ANIMAL FEEDING OPERATIONS

WHEREAS, On September 11, 2002 this Regional Board adopted Resolution No. R09-2002-0186, "Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate a Waste Discharge Requirement Waiver Policy for Certain Specific Types of Discharges." Resolution No. R09-2002-0186 renewed, for a 5-year period, existing waivers of waste discharge requirements for specified categories of discharges which were scheduled to expire on January 1, 2003 pursuant to subdivision (b) of Water Code Section 13269.

WHEREAS, The Waiver Policy is included in Chapter 4, "Implementation" of the Water Quality Control Plan for the San Diego Region (Basin Plan). The Waiver Policy provisions pertaining to animal feeding operations are included in Table 4-4 of the Basin Plan.

WHEREAS, On December 15, 2002 the Administrator of the United States Environmental Protection Agency signed a Final Rule modifying the federal regulations that govern Confined Animal Feeding Operations pursuant to the Federal Clean Water Act. The Administrator's action extended the definition of Confined Animal Feeding Operations which must be regulated under the NPDES program.

WHEREAS, As a result of the December 15, 2002 Final Rule, discharges for which waste discharge requirements were waived by Resolution No. R09-2002-0186 now require permits pursuant to the Federal Clean Water Act and the Regional Board's Waiver Policy is no longer consistent with federal regulations.

WHEREAS, all procedural requirements for noticing, public participation and CEQA documentation necessary for this action to amend the Waiver Policy were satisfied during the process that preceded the adoption of Resolution No. R09-2002-0186, which included:

- Notice, dated April 30, 2002, of a public workshop/California Environmental Quality Act (CEQA) scoping meeting on the proposed Basin Plan amendment;

- Public Workshop on May 20, 2002 for the purpose of determining the scope and range of actions, alternatives, mitigation measures and significant effects to be analyzed in depth, and for the purpose of receiving public input;
- A 45-day public period for public review and comment on the pending action, as required by the public participation regulations promulgated for water quality control programs implementing the federal Clean Water Act (40 CFR 25.5) and by the State Water Resources Control Board regulations for CEQA compliance (23 California Code of Regulations Section 3777);
- Distribution of a technical report describing the proposed amendment and containing environmental documentation functionally equivalent to the CEQA requirements; and
- A public hearing on September 11, 2002.

THEREFORE BE IT RESOLVED

That the California Regional Water Quality Control Board, San Diego Region hereby modifies Table 4-4 of the Basin Plan, as amended by Resolution No. R09-2002-0186, to read as shown in Revised Table 4-4 in Attachment A to this Resolution.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on February 5, 2002.

JOHN H. ROBERTUS
Executive Officer